

on a bipartisan basis, and a Democratic Governor signed it.

Democrats have continued to insist that S. 1 is a response to these State laws, but we know it actually predates them. And we are starting to see that our colleagues' latest rationale for S. 1 can be flexible when needed. Prominent Democrats have railed against voter ID requirements for years, but now that voter ID is among the sticking points keeping the Democratic caucus from uniting behind S. 1, some Democrats have started indicating, well, they have had a change of heart. Now, I would commend them for coming around to commonsense positions on that issue that 80 percent of Americans already support. But one supposed compromise, among some Democrats, bears more than a passing resemblance to the partisan power grab their party has touted for years. It even introduces its own disastrous new liabilities, like a proposal to automate redistricting that is certainly constitutionally dubious.

At the end of the day, Madam President, which concocted crisis Democrats choose as justification for their top legislative priority actually doesn't make much difference. They have made abundantly clear that the real driving force behind S. 1 is a desire to rig the rules of American elections permanently—permanently—in the Democrats' favor. That is why the Senate will give this disastrous proposal no quarter.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Christopher Charles Fonzzone, of Pennsylvania, to be General Counsel of the Office of the Director of National Intelligence.

The PRESIDING OFFICER. The majority whip.

#### AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. DURBIN. Madam President, it was October of 2002. I remember the day when in the Senate we decided to vote on the question as to whether or not we would authorize President Bush to use military force in Afghanistan. We considered the issue of Iraq before. Twenty-three of us had voted against giving that authority to President Bush.

When it came to Afghanistan, the argument was different. The argument was that those responsible for 9/11, for

killing 3,000 innocent Americans, were hiding out in Afghanistan, and if we didn't ferret them out of their hiding place and hold them accountable, what kind of nation would we be? I bought that argument. Virtually every Member of Congress agreed, with one exception—Congresswoman BARBARA LEE of California. But we voted to use military force in Afghanistan under extraordinary circumstances in 2002.

Now, I listened to the Republican leader come to the floor and accuse President Biden of abandoning Afghanistan, retreating from Afghanistan. And he leaves out some salient facts. The negotiation with the Taliban, which was initiated by President Trump, was a negotiation to determine who would be in power, what areas they would hold, and when the United States would leave. It was President Trump who initiated that negotiation, not President Biden. President Biden, when he took office, followed through with it. I applauded him for doing so.

I realize—and I think everyone does—that the situation in Afghanistan is perilous, but I think that we ought to acknowledge the obvious. After the longest war in the history of the United States, after losing over a thousand American lives and tens of thousands wounded, after spending trillions of dollars, we were not winning in Afghanistan. We didn't have a winning hand or a winning strategy. The Taliban was still a viable political force, and the Afghan security forces many times were overwhelmed by that Taliban force.

I wonder why the Republican leader from Kentucky doesn't do the obvious. He has the authority, under the rules of the Senate, to introduce a measure authorizing the use of military force in Afghanistan. If he believes we should stay or send more troops there, that is his right. He can offer that on the floor of the Senate, instead of lamenting what has happened there. He has the authority. If he thinks we have abandoned the Afghan people and should go back into that country, why doesn't he offer an authorization for use of military force?

I think we know the answer. There is little or no support on his side of the aisle, nor on this side of the aisle, to make the longest war in American history even longer. Yes, we should be a viable force to try to make certain the Afghan people have a fighting chance. But after almost 20 years at it, I think we have shown that our strategy was not the winning strategy.

#### CORONAVIRUS

Madam President, on a different subject, as our Nation continues to emerge from COVID-19 restrictions, vaccinated Americans were able to gather safely this past weekend for two happy events: Father's Day and the first Juneteenth Federal holiday. These celebrations came at the end of a week that brought welcome news to America.

After 11 years of Republicans fighting the Affordable Care Act, the Supreme

Court finally said: Enough. Millions of Americans have health insurance at a time when they desperately need it, in the midst of a pandemic, and your theories on Constitution and law are not adequate to end the Affordable Care Act. Thank goodness for that 7-2 ruling.

The administration, of course, was heartened by that and by the knowledge that we are fast approaching the point where 70 percent of the adults in America are going to be vaccinated.

Remember when President Biden took office 6 months ago? Yes, we had the vaccines, but we hadn't produced them in quantity, and we didn't have a plan for vaccinating America. Thank goodness, now the United States is leading the world in the effort to vaccinate its population. I thank President Biden for that and the resources that we provided to him.

We still have a challenge. We still have a threat. The Delta variant is much more easily spread than the COVID strain that shut down the Nation last year. It has now been identified in 41 States. For those who are holding back and not seeking a vaccination, they are in greater danger than they were a year ago if that infection comes near them. I hope my Republican colleagues will join the Democrats in urging Americans to be vaccinated as quickly as possible.

#### WAR ON DRUGS

On a different topic, Madam President, last week marked the 50-year anniversary of President Nixon's declaration of a War on Drugs. Today, America imprisons a greater share of its population than any nation on Earth. Drugs are cheaper and more easily available than ever, and substance abuse is destroying more American families than ever. The greatest harm has fallen on our most vulnerable citizens, particularly low-income Americans and communities of color.

During the first four decades of the Nixon War on Drugs, America's Federal prison population grew by 700 percent, and the cost of operating Federal prisons exploded by 1,100 percent. Today, nearly half the people in Federal prisons are locked up due to drug-related charges. We are learning the hard way that we can't jail our way out of a public health crisis.

In recent years, the Senate has come together on a significant bipartisan basis to correct some of the gravest mistakes on the War on Drugs. I am grateful to my friend, the ranking Republican member on the Judiciary Committee, Senator CHUCK GRASSLEY, for his leadership in this effort. We forged a bipartisan partnership that ended up sending the First Step Act, a reform effort, to President Bush to sign into law—pardon me—sent to President Trump to sign into law.

Tomorrow, the Senate Judiciary Committee will hold a hearing on another crucial piece of reform: Eliminating the disparate treatment of

crimes involving crack and powder cocaine in Federal sentencing laws. Congress established this disparity in the 1980s, based on fear and mistaken illusions of science.

We reduced the disparity with the Fair Sentencing Act, but we didn't eliminate it. Today a person arrested for 28 grams of crack will receive the same sentence as a person with 500 grams of cocaine powder, even though it is exactly the same drug.

This lingering disparity made racial inequities in our criminal justice system even worse, undermined faith in the integrity of our justice system, and, worst of all, failed to even curb drug addiction in America—talk about three strikes. We should eliminate the disparity once and for all, and there will be a hearing tomorrow.

FOR THE PEOPLE ACT OF 2021

On another matter, Madam President, tomorrow our democracy will face one of its greatest tests in the Senate. On January 7, at close to 4 o'clock in the morning, this Senate voted to confirm the electoral victory of Joe Biden to be the next President of the United States, but we all know what happened before that vote. An angry, self-pitying man who would not accept defeat, we now know, schemed for weeks about how to overturn the election and continue his Presidency. When Donald Trump's efforts failed and democracy prevailed, he begged a mob to come to Washington and deliver him from reality. You have seen the videos, the films—the President standing with the White House in a background, railing to this crowd about an election that was “stolen,” urging them to come to Capitol Hill and make a difference. He demanded that they come and “stop the steal,” and then he turned that mob on the Capitol of the United States. Those of us who were here that day will never forget it.

The outrageous insurrection that followed was the worst attack on this building and the most prolonged siege of the Capitol since the British attacked our Capitol in the War of 1812. Five people died, and more than 140 police officers were injured. It could have been worse. Senator LINDSEY GRAHAM, Republican of South Carolina, was right when he said the day after the attack that that mob “could have killed us all.”

The assault on the Capitol left our Nation shaken and the world in disbelief that it could happen in America. But it was not what one group of Washington power peddlers worried about most when they gathered on a conference call 2 days later. These Washington insiders scheduled a private conference call just 2 days after this attack on the Capitol. They were scrambling to come up with a plan to kill a democracy reform bill. The call was organized by the Koch brothers. Among the participants was a key member of Senator MCCONNELL's staff.

A recording of the conference call found its way to Jane Mayer, an inves-

tigative reporter for The New Yorker magazine, who wrote about it. According to Ms. Mayer's reporting, the reason the political insiders and special interests in that call were frightened was because they couldn't find a way to beat S. 1.

The Koch brothers group poll-tested criticisms of the bill, and none worked. It wasn't just the Democrats who liked the reforms in that bill. It turned out the Republicans liked them, too. According to a Koch representative who hosted the meeting, “There's a large—very large—chunk of conservatives who are supportive of these types of reforms.” Surprise, surprise.

What is a poor political insider to do when you can't manufacture a reason to vote against a bill? There is only one way to stop it, and it is what the people in the meeting referred to as “under the dome strategies” to stop this electoral reform bill. Do you know what that is? That is the filibuster—the “killibuster”—that Senate procedure which requires 60 votes. They knew they couldn't win a majority, but they knew it was tough to come up with 60 votes in favor. And that is what I am afraid we are going to see tomorrow. I hope not.

Last night, I watched with many Americans as the movie “Selma” was televised. It reminded us of what happened in the 1960s when people like my personal friend and hero to many of us, John Lewis, marched across that bridge in Selma, AL, trying to speak up for what? Voting rights for African Americans. He was beaten and bloodied and almost died in the process, but they mustered the strength to come back again and to resume the march. And they prevailed. In passing the Voting Rights Act, which gave a fighting chance for African Americans and other people to be able to vote in the future of America.

This still is a challenge for us today. Why? I don't know. We have seen, in the recent past, six or seven Republicans publicly break with Donald Trump in some of his more outrageous positions, and yet they have been strangely silent on that side of the aisle when it comes to what is happening in States across the Nation where we have measures taking place that will limit the right of people to vote.

What is wrong with this picture? Is democracy not at its strongest point when more people are participating? And yet Republican legislatures write bill after bill to limit those who can vote in the future.

Madam President, I want to say a word or two about my colleague Senator JOE MANCHIN. I want to thank him for his determined efforts to find a compromise on the bill that is coming before us. Senator MANCHIN spoke to everyone in sight—Republicans, Democrats, Independents, liberals, and conservatives—and he listened. The compromise he proposed is not inclusive of everything I would like to see in the

bill, but the reality is that it would be an improvement. It would help address the dangerous, all-out assault on voting rights that is taking place in all these States that I mentioned. It could help put Jim Crow back in the grave, where he belongs. And it deserves the support of the Senate.

My last word before I close. I had the honor of serving with Senator Robert Byrd. He used to sit back here. He once told me, in his illustrious Senate career, the things he was embarrassed by the most. He talked about deregulation of airlines, which took the planes out of his State of West Virginia. He talked about a nominee for the Eisenhower Cabinet who was rejected because he was Jewish. He told me he was wrong in the way he voted on those measures. But he said: Mr. DURBIN, more than anything, I was wrong on civil rights.

Madam President, this past Saturday was not only Juneteenth, it was the 57th anniversary of the Senate's passage of the Civil Rights Act of 1964. It had been filibustered for 2 months before it passed. Opposition to the bill wasn't divided along party lines. I will be honest. My party, the Democratic Party, particularly southern members of the party, was leading the fight against it.

On June 8, 1964, one of the most conservative Democrats stood on the floor with an 800-page speech filled with all kinds of reasoning about why civil rights was unnecessary and an infringement on States' rights—an echo of a speech we just heard on the Senate floor. That Senator's name was Robert C. Byrd. He spoke on this floor for 14 hours and 13 minutes. When he finished, the majority leader called the roll, and 71 Senators voted to end the filibuster—4 more than were needed. Ten days later, on Juneteenth 1964, the Senate passed the Civil Rights Act. On July 2, it passed the House and was signed by President Johnson.

Robert C. Byrd would go on to serve for another 46 years in this Senate and become majority leader twice and the longest serving Senator in history. He later called his filibuster of the Civil Rights Act “the worst mistake of my life,” a decision which he told me personally he deeply regretted. He would change. He would begin to champion civil rights.

When President George W. Bush signed the law extending voting rights in 2006, it was Robert C. Byrd by his side in the Oval Office, along with Ted Kennedy and John Lewis.

When Robert Byrd died in 2010, John Lewis mourned him and called him an ally and “true statesman.” Yet, despite all the years that had passed and all the good he had accomplished, many articles on his death stated that he once stood against civil rights.

If the last year has taught us anything, it is that life is fragile. None of knows how long we have in this Senate or on this Earth. So I implore my colleagues who may be wrestling with how to vote tomorrow: This is a vote for

history. This is democracy on trial. Think about how you want to be remembered by your children's children.

If democracy is worth fighting for, even worth dying for, surely a democracy reform bill is worthy of debate in the Senate. Allow the Senate to do its job and debate the For the People Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. DUCKWORTH). Without objection, it is so ordered.

(The remarks of Mrs. SHAHEEN and Ms. COLLINS pertaining to the introduction of S. 2146 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

#### JUNETEENTH

Mr. CORNYN. Madam President, last week, Congress notched another bipartisan win for the American people.

A bill I reintroduced earlier this year, along with Senator MARKEY from Massachusetts, was signed into law finally establishing Juneteenth as a national holiday. This bill was unanimously supported in the Senate and got an overwhelming vote in the House of Representatives.

I was honored to be with President Biden at the White House when he signed it into law late last week. It was even more special to celebrate with my fellow Texans over the weekend. On Saturday, I was honored to spend the very first Juneteenth National Independence Day in Galveston, where Major General Gordon Granger and his troops declared that all slaves were "forever free."

This happened 2½ years after the Emancipation Proclamation was signed and just a couple of months after hostilities between the North and the South had ended, but communication being what it is across the huge country, particularly at that time, it took 2½ years for the message to get to the former slaves in Galveston, TX, where Juneteenth has been celebrated for many, many years.

In my State alone, we celebrated Juneteenth for 40 years as a State holiday. I could not have been more happy to take a piece of history with me, a copy of the bipartisan bill that helped preserve the legacy of Juneteenth for generations to come.

This is just one item in a significant list of bipartisan accomplishments we have made in an equally divided Senate, which we all know is no small thing. We passed legislation to confront the growing threats of China; to ensure more businesses can grab onto the lifeline of the Paycheck Protection Program, one of the most significant items of economic assistance that we

were able to provide during the COVID-19 virus; we provided States with additional resources to upgrade their drinking water and wastewater infrastructure; and we passed legislation to combat hate crimes against Asian Americans.

So the truth is, notwithstanding what it may look like in the news or on cable TV or on social media, every day, our colleagues here in the Senate continue to work across the aisle to find consensus and to craft legislation with bipartisan support where we can. I tell people that legislation is hard to pass by design, and our current rules require us to do the hard work of actually building consensus on a bipartisan basis before we can pass legislation, particularly in the Senate.

We continue to do our work in other important areas like infrastructure, which has been the subject of so much attention and debate; to do police reform; to deal with the high price of prescription drugs. Republicans and Democrats continue to work together to address some of our most urgent problems.

This week, unfortunately, the majority leader, the Senator from New York, has decided to take another tack. He has chosen to spend the Senate's time on partisan legislation that simply has no chance of becoming law. That is his choice. He gets to set the agenda, and our only role is to show up, debate the bill, and cast our ballot.

Our Democratic colleagues have given the marquee treatment, a bill known as S. 1, with the symbolic numbering of the bill as the first, meaning the most important bill in their agenda. But rather than a bipartisan bill that will be good for the entire country, not just one political party or the other, the majority leader has chosen to tee up this massive Federal election takeover bill.

This legislation first popped in 2019, when the newly elected Democratic majority in the House went on a messaging bill spree. A messaging bill is one that you really know will never become law, but it sends a message. Over the last 2 years, they tried out a range of different marketing strategies. That is really all it is. It is not about passing legislation. It is about sending a message, trying to gain partisan political advantage.

They tried a range of marketing strategies to convince the American people that this overhaul to our election system is necessary. At one point, it was a matter of election security, then of voter confidence, then a way to remove obstacles that prevented people of color from voting.

Well, I have some news for them. In 2020, we saw a record election turnout. Two-thirds of all eligible voters cast a ballot. That was the highest turnout in 120 years. It wasn't confined to any single racial or ethnic group; it was across the board. We saw African-American voter participation at virtually an all-time high—the same with Hispanics

and every other ethnic and racial group.

Notwithstanding the facts that people are turning out to vote in historic numbers, they had to come up with a new sales pitch. They had to attack the efforts in the States to pass their own election laws, which handle the time and manner in which State elections are run. And, to me, the consistent theme was making it easier to vote and harder to cheat. To me, that is the simple message I think we ought to be sending when it comes to our election laws. That is what our colleagues latched onto.

But over the last few months, they twisted and turned and manipulated the facts beyond any recognition. They tried to frame new State voting laws as the impetus or the reason justifying this massive Federal takeover—unconstitutional, in my view—takeover of State voting laws. They painted an alarming picture of the assault on voter access.

But if you actually take time to look at these so-called restrictions in voting, you will find they are more generous than the current law in many Democratic-controlled States. There is no better example than the Georgia law, which came under national scrutiny for enacting reforms that would give Georgia voters more time to vote than voters in a number of blue States.

Here are the facts. In Georgia, the law that people claimed was racist and designed to prevent people of color from casting their ballot during the early voting season before in-day—election-day voting—the new Georgia law provides 17 days for in-person early voting. How about Massachusetts, which is currently represented by two Democratic Senators? Well, Massachusetts provides 11 days. Delaware, represented by two Democrats and the home State of our President, provides 10 days of early voting. New Jersey, also represented by two Democratic Senators, provides 9 days, almost half of what Georgia has provided for in its new election laws.

But what you heard across the news media, cable TVs, social media, and the like was that somehow, some way, Georgia had conspired to restrict the rights of African Americans and other minority voters from casting their ballots.

But the facts prove otherwise. This is the type of hypocrisy that we are seeing in this debate. As I said, New Jersey recently passed a law—just recently passed a law that expanded in-person voting to 9 days. Did anyone claim that this was somehow a Jim Crow relic or a racist act or violating the rights of African Americans and other minority voters? Of course not. Was New Jersey treated the same as Georgia was in the popular media, where it was suggested that somehow this was a racist effort to restrict minority access to voting? Of course not.

But the New Jersey Governor took it a step further. He actually criticized